UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/S-5/SR.6
22 November 2000

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fifth special session

SUMMARY RECORD OF THE 6th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 19 October 2000, at 8.30 p.m.

Chairperson: Mr. SIMKHADA (Nepal)

CONTENTS

LETTER DATED 3 OCTOBER 2000 FROM THE PERMANENT REPRESENTATIVE OF ALGERIA TO THE UNITED NATIONS OFFICE AT GENEVA, ADDRESSED TO THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued)

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTH SPECIAL SESSION

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-15670 (E)

The meeting was called to order at 8.30 p.m.

LETTER DATED 3 OCTOBER 2000 FROM THE PERMANENT REPRESENTATIVE OF ALGERIA TO THE UNITED NATIONS OFFICE AT GENEVA, ADDRESSED TO THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (agenda item 3) (continued) (E/CN.4/S-5/2; E/CN.4/S-5/L.2/Rev.1)

1. The CHAIRPERSON informed the Commission that the sponsors of draft resolution E/CN.4/S-5/L.2/Rev.1 had requested him to suspend the meeting so that consultations on the draft resolution could continue. If he heard no objection, he would take it that the Commission agreed to that request.

2. It was so decided.

The meeting was suspended at 8.35 p.m. and resumed at 9 p.m.

3. The CHAIRPERSON invited the sponsors of the draft resolution to inform the Commission of the results of the consultations that had taken place during the suspension of the meeting.

4. Mr. BEN SALEM (Tunisia) said that, in the light of the tragic events that were taking place in the Occupied Territories, the sponsors of the draft resolution had made every possible concession to reach a consenus in order to propose a text which was acceptable to all and would enable the Commission to retain its credibility. Unfortunately, that had not been enough to convince a number countries, in particular the members of the European Union, to take the historic opportunity before the Commission to put an end to the policy of double standards by condemning the serious violations of human rights being committed in the Palestinian territories.

5. Mr. HUSSAIN (Pakistan), speaking on behalf of the Organization of the Islamic Conference, endorsed the views expressed by the representative of Tunisia. Throughout the consultations, the Organization of the Islamic Conference had adopted a very open-minded approach. It was regrettable that it had not been possible to reach an agreement, largely because of the attitude of the European Union, despite the fact that there had been broad support for the convening of the current special session.

6. The CHAIRPERSON said that it was his understanding that, in the absence of consensus, he would have to put the draft resolution to a vote. Owing to time constraints, he suggested that the members of the Commission who wished to explain their vote should do so after rather than before the vote. If he heard no objection, he would take it that the Commission agreed to that suggestion.

7. It was so decided.

8. Ms. IZE-CHARRIN (Secretary of the Commission) said that a preliminary estimate had shown that the total cost of implementing the activities provided for in the draft resolution under consideration would be US$ 814,000, allocated in the following way: US$ 594,000 for the commission of inquiry, US$ 20,000 for the visit of the High Commissioner, US$ 100,000 for the

mission of the Special Rapporteurs and two members of the Working Group on Enforced or Involuntary Disappearances and US$ 100,000 for general operating expenses in support of the field missions.

9. No provision had been made in the programme budget for 2000-2001 to cover those expenses, which could not be absorbed within existing resources. The adoption by the Commission of the draft resolution under consideration would therefore entail additional requirements of US$ 814,000. A detailed description of the expenses would be included in the programme budget implications statement to be submitted to the Economic and Social Council.

10. At the request of the representative of the United States of America, a vote was taken by roll-call on draft resolution E/CN.4/S-5/L.2/Rev.1.

11. Poland, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour: Bangladesh, Bhutan, China, Cuba, India, Indonesia, Madagascar, Mauritius, Morocco, Niger, Pakistan, Philippines, Qatar, Senegal, Sri Lanka, Sudan, Swaziland, Tunisia, Venezuela.

Against: Canada, Czech Republic, France, Germany, Guatemala, Italy, Japan, Latvia, Luxembourg, Norway, Poland, Portugal, Romania, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Botswana, Brazil, Burundi, Chile, Colombia, Congo, Ecuador, El Salvador, Mexico, Nepal, Nigeria, Peru, Republic of Korea, Russian Federation, Rwanda, Zambia.

12. Draft resolution E/CN.4/S-5/L.2/Rev.1 was adopted by 19 votes to 16, with 17 abstentions.

13. The CHAIRPERSON invited the members who wished to do so to explain their votes.

14. Mr. ARENALES FORNO (Guatemala) said that his country had always cooperated with the Commission and with all those who were trying to save the negotiating process between the Israelis and the Palestinians in order to establish a firm and lasting peace - the only way to ensure full respect for human rights and fundamental freedoms.

15. Unfortunately, the only draft resolution which had been before the Commission not only did not encourage the efforts being made to revive the peace process, but hindered them. The improper use of some words and the inflammatory rhetoric which pervaded the text and the fact that it implied that a state of war existed, preventing the application of general human rights standards, was contrary to the intended objective. The reality was that Israel and the Palestinian Authority had to apply those general standards and standards of humanitarian law applicable in situations that could not be regarded as an international armed conflict.

16. Lastly, it was not appropriate to establish the mechanism of inquiry provided for in the resolution adopted because bodies already existed that were authorized to examine with greater efficiency problems of respect for human rights which were closely linked to the peace negotiations.

17. Ms. KUNADI (India) said that the Indian Government was deeply concerned and shocked about the deliberate acts of provocation, the excessive use of force and the violations of basic human rights, including of the right to life, that had recently taken place in Jerusalem, the West Bank, the Gaza Strip and other areas under the jurisdiction of the Palestinian Authority. By supporting the holding of the current special session and by voting in favour of the draft resolution that had been adopted, India had shown that it remained firmly committed to the promotion and protection of human rights around the globe. It was necessary to show restraint, to shun all activities that could exacerbate tensions and to avoid mutual recriminations that could further delay progress towards a lasting peace.

18. In that connection, India hoped that the understandings reached at the Sharm el-Sheikh summit on 17 October would help to end the cycle of violence, defuse regional tensions, alleviate the suffering of the peoples affected and create a climate conducive to the establishment of a just, comprehensive and lasting peace in the region based on Security Council resolutions 242 (1967) and 338 (1973). India trusted that the follow-up to the resolution adopted would not run counter to the efforts being made to achieve that goal, which was the only guarantee of a peaceful future.

19. Mr. PETIT (France), speaking on behalf of the members of the European Union and the following associated countries: Czech Republic, Latvia, Poland and Romania, said that the tragic events of recent weeks in the Middle East had justified the holding of the current special session, whose mandate was not to engage in political denunciations, but to ensure that human rights were fully respected all over the world.

20. That was the spirit in which the European Union had responded to the call to convene the meeting and expressed the hope that the special session would make a useful contribution to the efforts being made to re-establish peace and stability in the region, particularly by the Security Council which had adopted a resolution, by the General Assembly which was planning to adopt one, and by the Chairman of the Palestinian Authority and the Prime Minister of Israel, who had agreed in Sharm el-Sheikh on 17 October 2000 to take immediate steps to end the violence.

21. The Commission had an obligation to contribute to the success of that agreement. While the European Union was willing to use its mechanisms, several provisions of the resolution adopted were clearly not within its competence. That in no way meant that the European Union refused to participate in a constructive manner in the debate in the United Nations on the dramatic events of previous days, since the ongoing discussions at the special session of the General Assembly gave hope for a successful outcome. Far from supporting the implementation of the Sharm el-Sheikh agreement, however, the resolution jeopardized its implementation by establishing mechanisms that would compete with those agreed by the parties directly concerned. For that reason, the members of the European Union had, regretfully, voted against the draft.

22. Ms. GERVAIS-VIDRICAIRE (Canada) said that her country had voted against the draft resolution because it was unbalanced and would not help create an atmosphere conducive to a return to the negotiating table. Canada was deeply convinced that any international efforts, including the Commission's debates and decisions, should focus on assisting the parties to end the violence and resume negotiations.

23. Mr. BIABAROH-IBORO (Congo) said that his country had unequivocally supported the holding of the present special session and had steadfastly supported the Palestinian cause. It deplored the violence that had resulted in the loss of many lives, particularly of children, the massive violations of human rights and the denial of the inalienable rights of the Palestinian people.

24. In previous years, his country had itself lived through civil war in which horrific acts of violence had been committed and it knew the price of peace. Peace should be given a chance so that the violence and confrontations could stop.

25. The Congo was convinced that the Palestinian and Israeli people were fated to live together in peace. It was therefore necessary to bring the two parties back to the negotiating table, to revive the peace process that appeared to have been put in jeopardy and to ensure that the negotiations were conducted in good faith in accordance with the rules and principles of international law and the relevant United Nations resolutions and with respect for the dignity of both parties. It was in the interests of safeguarding the future that the Congo had abstained in the vote on the draft resolution.

26. Mr. BAICHOO (Mauritius) said that his country would have preferred the draft resolution to have been adopted by consensus and some provisions to have been worded differently. However, its primary motivation was to send a clear signal in respect of the violations which had been committed.

27. Mauritius had always favoured the peaceful resolution of the conflict in the Middle East, all the more so because Palestinians and Israelis, who were both sons of Abraham, were destined to live side by side.

28. His delegation deplored the wave of violence that had swept across the West Bank and Gaza, causing the loss of many lives and untold suffering. For that reason, it welcomed the ceasefire agreement reached in Sharm el-Sheikh and commended the Secretary-General of the United Nations, President Clinton and President Mubarak on their efforts to bring about an end to the hostilities.

29. The Government of Mauritius called on both sides to exercise restraint to ensure that the ceasefire would hold and an environment conducive to rebuilding mutual trust could be established.

30. His Government also called on the Palestinian authorities and the Israeli Government to contain the extremist elements which constituted a serious obstacle to peace. It hoped that the peace process could be resumed with a view to solving all outstanding problems to the satisfaction of all, taking into account the legitimate aspirations of the Palestinian people.

31. Ms. RUBIN (United States of America) recalled that her country had objected to the holding of the special session, which it feared might undermine international efforts under way to halt the violence in the Middle East and revive the peace process.

32. It was in the paramount interests of the Israelis and the Palestinians that the hopes engendered at Sharm el-Sheikh should be redeemed by positive steps. For that reason, the interested parties and the international community must act in a responsible way. Sadly, the resolution that had been adopted did not do justice to those hopes. It did not provide the balance and the wisdom that had been expressed by the High Commissioner in her opening remarks. Instead, the text was one-sided and vituperative and offered no pathway to reconciliation among peoples who had recently been on the brink of a final peace settlement. The United States deplored the violence and the loss of human life in the Middle East and valued the human rights of all Palestinians and Israelis. It also valued the potential of the Commission to contribute to the protection of human rights in the Middle East and throughout the world and therefore regretted to see that potential squandered in an effort that could undermine the only prospect of a better future for Palestinians and Israelis alike.

33. Mr. VEGA (Chile) said that his country had been in favour of convening the current special session, as it believed that the Commission should come to a decision on the tragic events that had taken place in the occupied Palestinian territories. Chile deplored the disproportionate use of force and the violations of human rights and international humanitarian law.

34. The Chilean Government considered that the Commission and its mechanisms could help to shed light on the tragic events and should pool their efforts with those of the international community, in particular at Sharm el-Sheikh, to create the conditions conducive to the establishment of a lasting peace.

35. His delegation, which had participated actively in the consultations on the draft resolution, regretted that it had not been the subject of consensus. While it did, in fact, meet the concerns that had led Chile to agree to the convening of the current special session, it contained some unacceptable concepts. For that reason, Chile, which had always supported the requests of Palestine, had decided, with regret, to abstain in the vote.

36. Mr. HARAGUCHI (Japan) said that his country was deeply concerned about the human rights situation in Palestine, the escalation of violence and the disproportionate use of force against civilians and had supported the convening of the current special session because the most important mission of the Commission was to put a halt to the violence. His delegation welcomed the delicate agreement obtained at Sharm el-Sheikh. It had, however, decided to vote against the draft resolution, which could, in its view, stand in the way of an end to the hostilities.

37. Mr. CERDA (Argentina) associated himself fully with the views expressed by the representative of Chile.

38. Mr. NAHAYO (Burundi) explained that his country, which had supported the holding of the current special session, was committed to the rights of the Palestinians and opposed to the violence in the region and had hoped that it would have been possible to reach a consensus on the proposed draft resolution. His delegation had requested that the text should be changed so

that it could support the draft resolution, but the final negotiations between the authors of the draft and the European Union had unfortunately failed. For that reason, his delegation had preferred to abstain in the vote.

39. Mr. SHRESTHA (Nepal) said that his delegation would have liked to see a consensus on the text on such a grave issue, but, sadly, that had not been possible. Nepal was deeply concerned about the tragic events of the previous weeks and about the senseless cycle of violence, the heavy losses of life, especially of children, and the excessive use of force. It had always supported the legitimate rights of the Palestinian people, respect for which should, in its opinion, be achieved through negotiations. The parties to the conflict should stop the violence immediately and return to the negotiating table. The agreement reached at Sharm el-Sheikh should provide a starting point and enable the peace process to be revived on the basis of Security Council resolutions 242 (1967) and 338 (1973). The Nepalese delegation had abstained in the vote in the hope that the atmosphere of understanding and rapprochement, which had been so difficult to restore between the parties concerned within the framework of the Sharm el-Sheikh agreement, would make it possible to revive the process. The international community must take every step to ascertain the causes of the violence and ensure that it did not recur.

40. Mr. SKOGMO (Norway), explaining his delegation's vote against the draft resolution, said it was regrettable that the resolution adopted was unbalanced and he dissociated himself in particular from the use of certain terms. Norway deplored the loss of life, the suffering, all the acts of violence and the disproportionate use of force by the Israeli army. The Norwegian Government had welcomed the Sharm el-Sheikh understandings and urged the parties concerned to implement them. It also supported the establishment of a fact-finding mission, as agreed in Sharm el-Sheikh.

41. The CHAIRPERSON said that, if he heard no objection, he would take it that, since the meeting had been somewhat disrupted, the Commission decided to give the floor to interested observer delegations which had not yet had an opportunity to make the statements to which they were entitled.

42. It was so decided.

43. Mr. RAMLAWI (Observer for Palestine) expressed his deep gratitude to all the delegations that had voted in favour of the draft resolution. In so doing and even though the resolution had been adopted with a majority of only three votes, they had not only expressed their commitment to the Palestinians' right to life, but had also saved the reputation of the Commission - which spoke for the conscience of mankind - and recalled the sacred value of the human rights currently being violated in Palestine. Although the Commission was holding a special session only a few days after the conclusion of the Sharm el-Sheikh agreements, the Israeli army was continuing to fire on Palestinian villages. The Palestinian people were not only fighting for the right to live on their land, but were also defending international legitimacy and the same principles as the Commission.

44. Mr. LEVY (Observer for Israel) said that, contrary to the spirit of the Sharm el-Sheikh summit, the special session of the Commission had been counter-productive at the very least.

The resolution that had been adopted was partisan, one-sided and divorced from the reality on the ground since the meeting in Sharm el-Sheikh. The Israeli delegation sincerely regretted the loss of life on both the Palestinian and Israeli sides. Unfortunately, there had not been even one word of regret about the casualties on the Israeli side either in the speeches made or in the resolution. In any event, the violence and the loss of life could have been avoided if children and innocent civilians had not been sent to stand in front of demonstrators to serve as human shields for Palestinian policemen, members of the Tanzim and other armed Palestinians. They could have also been avoided if the Palestinian leaders and media had not incited the masses to rise up against Israel. They could still be avoided by implementing the Sharm el-Sheikh understandings. However, the resolution adopted did not call on the Palestinians to stop the violence, the rioting and the use of live ammunition or to refrain from sending children to the front line.

45. Recently, a bus carrying 39 Israeli women and children from Israel to Gaza had been attacked by Palestinians using explosives and automatic fire. Miraculously, no one had been wounded. Should such terrorist attacks not be examined by the Commission? It had also been discovered that the representative of a major television network had had to apologize to the Palestinians for the way in which the lynching in Ramallah had been covered and journalists had been forced to leave the area because they had received death threats as a result of the report. It seemed as though the objective had been to hide what had happened in Ramallah. He wondered whether that was but an isolated incident or whether it was one of the reasons why the pictures broadcast by the media - and therefore the resolutions and reports based on those pictures - were distorted to such an extent.

46. The resolution adopted was extremely aggressive and did not deserve the approval of the Commission. It used such violent language that it was bound to exacerbate tensions on the ground and went against the wise counsel of the United Nations Secretary-General. In Sharm el-Sheikh, the two parties had agreed to issue public statements unequivocally calling for an end to the violence, to take immediate concrete measures to stop the confrontation and to return to the situation which had existed before the crisis. They had agreed to establish a fact-finding committee headed by the United States of America. Any other inquiry mechanism was therefore superfluous. The Israeli authorities had instructed the army and the police to implement the commitments undertaken, but Mr. Arafat had yet to be heard giving clear instructions to the Palestinian armed groups to cease the hostilities.

47. In order to stabilize the situation and bring an end to the confrontations in the region, and thereafter to revive the diplomatic process, what was needed were supreme diplomatic efforts, not biased deliberations. The Commission had adopted a resolution which might aggravate the violence and even destroy all efforts to end the violence.

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTH SPECIAL SESSION (agenda item 4) (E/CN.4/S-5/L.1)

48. Ms. GERVAIS-VIDRICAIRE (Rapporteur), introducing the draft report on the fifth special session of the Commission on Human Rights (E/CN.4/S-5/L.1), said that the report would be published as a supplement to the official documents of the Economic and Social Council and submitted to the Economic and Social Council when it met at the request of the Commission.

49. The draft report was composed of five chapters. Chapter I contained the text of the draft decision which would be prepared on the basis of the text of the resolution adopted by the Commission and submitted to the Council for approval. Chapter II contained the text of the resolution adopted by the Commission. Chapter III concerned the organization of the session. Chapter IV summarized the discussion and the vote on the draft resolution and Chapter V dealt with the adoption of the report. The report would also contain four annexes. For all information concerning the content of the discussions and the statements made, participants were invited to consult the summary records of the session. The final version of the report would be completed in the next few weeks. She recalled that all requests for corrections should be sent to her within two weeks.

50. The CHAIRPERSON said that, if he heard no objection, he would take it that the Commission wished to adopt the draft report ad referendum, on the understanding that the Rapporteur would prepare the final version with the assistance of the secretariat.

51. It was so decided.

52. Ms. ROBINSON (United Nations High Commissioner for Human Rights) emphasized that the adoption of the resolution by a slim majority reflected the grave concerns expressed, in particular by the Arab States, about the very large number of victims and the excessive use of force against civilians by the security forces. She would take the steps necessary to implement the provisions of the resolution that required action on her part.

53. The surest way of bringing about a just and lasting peace was to embed a culture of respect for the human rights of everyone in the region, not only for civil and political rights, but also for economic, social and cultural rights and for the right to development. She urged all parties once again to refrain from any words or actions that might exacerbate the violence and to implement as quickly as possible the measures agreed in Sharm el-Sheikh to facilitate the revival of the peace process.

54. The CHAIRPERSON said that the two peoples who were fighting had already suffered enough and had no choice but to learn to live together. He declared closed the fifth special session of the Commission on Human Rights on the situation in the occupied Palestinian territories.

The meeting rose at 10.30 p.m.